

REMARKS

Claims 1-3 and 6-10 will be pending in the Application after the Examiner enters the forgoing amendment.

On pages 2-3 of the Office Action, the Examiner rejected claims 1-10 under 35 U.S.C. § 101 as being “directed to non-statutory subject matter,” concluding that the recited “steps only constitute an idea of how to read locations.” Applicant traverses this rejection under § 101 since original base claim 1 recites, *inter alia*, an explicit step of “reading . . .” not merely “an idea of how to read.” In any event, this rejection may now be moot since base claim 1, as amended, recites steps performed for each checkout station to perform a checkout transaction for a customer. The steps include reading a first location from a customer card; and using a bar code reader to generate a first signal identifying a product selected by the customer.

On pages 3-4, the Examiner rejected claims 1-10 under 35 U.S.C. § 112, second paragraph, as being “as being indefinite.” Although Applicant does not necessarily agree with all the rejections under § 112, Applicant has amended the claims to overcome these rejections.

On page 4, lines 3-5, the Examiner stated, “the specification has numerous references to products . . . that are covered by Trademark protection.” Applicant notes, however, that the product names in the specification are intended to be fictitious, and that any similarity to actual product names is unintentional and coincidental.

On pages 4-5, the Examiner rejected claims 1-10 under 35 U.S.C. § 103 as being obvious in view of U.S. Patent No. 6,317,650 to Powell. The Examiner stated:

Powell discloses a system comprising a plurality of processes, e.g. Figs. 2, 9, 16, 25, 29, for reading a card, e.g. 215, including a memory, length and value characteristics, e.g. located on the magnetic strip (the information placement of the card may be placed at various locations, e.g. col. 17, lines 12-67), a checkout station, e.g. 900, and a signal. Powell does not specifically disclose a plurality of second processes.

To have provided a plurality of second processes for Powell would have been obvious to one of ordinary skill in the art. The motivation for having done such would have been to incorporate common knowledge and extremely well known redundancy of operations used to provide a more efficient checkout operation.

(Office Action pages 4-5).

In contrast, each of claims 1-3 and 6-10 recites an interrelation of steps, performed for each checkout station to perform a checkout transaction for a customer, of reading a first location from a customer card via the second processor; determining, in the first processor, a second location; and writing to the second location of the customer card via the second processor. (base claim 1). No reasonable combination of the art of record, including Powell, suggests this recited interrelation including determining a location in the recited first processor and writing to the location via the recited second processor.

Common Ownership of Reference and Instant Application


Furthermore, U.S. Patent No. 6,317,650 to Powell is disqualified as a reference. The invention of the instant Application Serial No. 09/884,227 and the subject matter of U.S. Patent No. 6,317,650 to Powell were, at the time the invention of the instant

Application was made, owned by SoftCard Systems, Inc.

If there are any other fees required for entry of this amendment, or for any other reason, please charge such fees to the undersigned attorney's Deposit Account No. 10-0077.

If the Examiner has any questions about this amendment, applicant's representative would appreciate discussing this amendment with the Examiner. Applicant's representative, Jerome Jackson, can be reached at 703-684-4840.

Respectfully submitted,


Jerome D. Jackson
Reg. No. 33,186

Law Office of Jerome D. Jackson
211 N. Union Street, Suite 100
Alexandria, Virginia 22314

Telephone 703-684-4840
Facsimile 703-995-0318

DATED: 7 JULY 04